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NEWS RELEASE

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EPA Rule Struck Down

LINCOLN - Attorney General Jon Bruning today released the following statement on the U.S. D.C. Circuit Court of Appeals decision to strike down the Cross-State Air Pollution Rule proposed by the Environmental Protection Agency (EPA):

“Today’s decision is a victory for States’ rights and a push-back against EPA’s job-killing regulations based on questionable science. We won’t allow an overreaching federal agency to run roughshod over Nebraska’s energy consumers and providers,” said Bruning. “Increased operating costs for producers likely would have affected all Nebraska energy consumers, especially those in our agricultural community.”

Projected capital costs and increased operating costs would have totaled more than \$60 million dollars for NPPD and OPPD alone. In addition, cities such as Hastings, Fremont and Grand Island would have faced millions in modification costs. However, the overall results of the costly retrofitting were unknown.

Rule Background

The Cross-State Air Pollution Rule was mandated by the EPA to address a theoretical compliance issue in Milwaukee, Wisconsin and would have forced Nebraska power producers to retrofit coal plants to control emissions by January 1, 2012. The agency proposed to cap Nebraska’s emissions in order to reduce the potential pollution caused by emissions traveling upwind to Wisconsin.

In December 2011, Nebraska was granted a motion to stay the rule, after convincing the Court of the likelihood of a successful challenge and the irreparable harm to Nebraska energy consumers. The cities of Grand Island, Fremont and Hastings provided support for the motion. Additional support was provided by Nebraska energy producers including NPPD, OPPD, LES and other public power districts.

Nebraska was joined by six states on the petition for review including Texas, Alabama, South Carolina, Florida, Oklahoma and Virginia. Eight other states filed separate motions, totaling 15 state challenges to the rule’s implementation.

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